

**Notice of Allowability**

Application No.

10/002,333

Examiner

PHUONGCHAU BA NGUYEN

Applicant(s)

EMERSON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1-3-8 RCE & AMENDMENT 2-29-08.
2. ☒ The allowed claim(s) is/are 1,5-7,11-13,15-16; RENUMBERED AS 1-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 5-6, the prior art fails to teach a method comprising determining how many time-slots are available for the transmission; upon determining the number of the available time slots, identifying a subset of the plurality of data packet types that fit into the available time-slots and meet a minimum transfer length requirement; determining whether any of the identified data packet types are capable of transmitting an entire required data length; "if none of the identified data packets are capable of transmitting the required data length, choosing for the transmission, from the identified data packet types, a data packet type capable transmitting most data in a shortest time," which is considered in combination with other limitations, as specified, in the independent claim 1.

Regarding claims 7, 11-12, the prior art fails to teach a computer readable medium having stored thereon a set of instructions, which when executed by a processor, cause the processor to perform a method comprising: determining how many time slots area available for the transmission; upon

determining the number of the available time slots, identifying a subset of the plurality of data packet types that fit into the available time-slots and meet a minimum transfer length requirement; determining whether any of the identified data packet types are capable of transmitting an entire required data length; "if none of the identified data packets are capable of transmitting the required data length, choosing for the transmission, from the identified data packet types, a data packet type capable of transmitting most data in a shortest time," which is considered in combination with other limitations, as specified, in the independent claim 7.

Regarding claims 13, 15-16, the prior art fails to teach a computer system comprising a processor, coupled to the memory, the processor executing the instructions that cause the processor to determine how many time slots are available for the transmission; identify, upon determining the number of the available time slots, a subset of the plurality of data packet types that fit into the available time slots and meet a minimum transfer length requirement; determine whether any of the identified data packet types are capable of transmitting an entire required data length; "if none of the identified

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data packets are capable of transmitting the required data length, to choose for the transmission, from the identified data packet types, a data packet type capable of transmitting most data in a shortest time," which is considered in combination with other limitations, as specified, in the independent claim 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUONGCHAU BA NGUYEN whose telephone number is (571)272-3148. The examiner can normally be reached on Monday-Thursday from 8:30 a.m. to 7:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



PHUONGCHAU BA NGUYEN  
Examiner  
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SUPERVISORY PATENT EXAMINER  
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